

FILED

MAY 1 2018

Clerk, U S District Court
District Of Montana
Billings

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARY ZANE TODD ALDEN,

Defendant.

CR 17-86-BLG-SPW

ORDER

The Government has moved for leave to contact the foreperson of the discharged jury in the April 24, 2018, trial in accordance with LR CR 24.2.

Defendant Cary Zane Todd Alden does not oppose this motion.

The Ninth Circuit's precedent requires the Court to limit the Government's contact with the jury to the jury foreperson exclusively. The Government must alert the foreperson that she is the only juror that the Government received leave to contact. The Government's inquiries may not infringe upon the jury's thought processes. The questions that the Government submitted with its motion appear


likely to solicit broad answers about the jury's conclusions rather than information about the jurors' thought processes or the course of deliberation.

IT IS ORDERED, that the Government's motion for leave to contact the jury foreperson in the April 24, 2018 trial in accordance with LR CR 24.2 is GRANTED, provided that the Government alerts the foreperson that she is the only juror that the Government received leave to contact.

IT IS FURTHER ORDERED, that the Government shall file an affidavit following its contact with the jury foreperson indicating the results.

IT IS FURTHER ORDERED that, upon request, the Clerk of Court may supply the Government with the jury foreperson's phone number.

DATED this 30th day of April, 2018.


SUSAN P. WATTERS
United States District Judge